

# MANUAL

FOR USE IN CASES OF

## JUVENILE OFFENDERS AND OTHER MINORS

IN MASSACHUSETTS.

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Published by the Conference of Child-Helping Societies.

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PUBLICATION NO. 2.

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JULY, 1895.

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OF THE  
**Conference of Child-Helping Societies**  
FOR 1894-95.

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Copies of this Manual may be had on application to the Secretary of the

**Conference of Child-Helping Societies,**

**Charity Building,**

**Chardon St., Boston, Mass.**

The Conference will be grateful for the correction of any inaccuracies, or the suggestion of any improvements. Such should be sent to the Secretary at the above address.

MANUAL FOR USE  
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This information has been collected and arranged with the hope that it might be of use to those who are concerned to see the wisest possible treatment of the boys and girls who appear before our courts. The matter is so important and intricate and the action taken in essentially similar cases so uneven, that it was thought by the Conference of Child Helping Societies that judges, prosecuting officers, probation and truant officers, and private persons interested in juvenile cases, might find such a handbook convenient.

The Manual was prepared, at the request of the Conference, by Miss Emily Greene Balch. Many judges and officials, the authorities of all the institutions and societies referred to, and various people especially engaged in charitable and reformatory work for children have been consulted in its preparation. For the valuable aid thus received the Conference returns cordial thanks.

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## I. PRELIMINARY.

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### I. LIMITATIONS AS TO AGE.

Children under seven are not legally responsible; that is, they are conclusively presumed incapable of crime, and no proof otherwise will be received. Between seven and fourteen a child is *prima facie* incapable of crime but capacity may be proved. Without such proof there can be no conviction of criminal act. At fourteen full criminal responsibility attaches as with adults.<sup>1</sup>

By Juvenile Offenders is regularly meant those between the ages of seven and seventeen years.<sup>2</sup>

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<sup>1</sup> Cf. 1 Bishop, Crim. Law, 368.

1 Wharton, Crim. Law, 67-68.

<sup>2</sup> P. S. 89, § 18.—“Upon complaint so made to any such court or magistrate against any boy or girl between the ages of seven and seventeen years, for any offence not punishable by death or imprisonment for life; such court or magistrate shall examine on oath the complainant and the witnesses produced by him,” etc. Cf. also P. S., c. 155, § 49.

Minors are persons under twenty-one years of age. This is true of girls as well as of boys, the only difference being that girls may marry at eighteen without the consent of their parents.

No child under twelve shall be committed to a jail or house of correction, to the Boston House of Industry, or to the State Workhouse.<sup>1</sup>

The Lyman School does not receive many boys under twelve. Boys over fifteen cannot be received there.<sup>2</sup>

This makes fifteen practically the limit below which boys are not sent to the Massachusetts Reformatory at Concord. See p. 34.

Boys under sixteen cannot be sent to State prison.<sup>3</sup>

The State Industrial School for Girls receives girls not over seventeen. Few girls under twelve are sent there.

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<sup>1</sup> St. 1882, c. 127.—By any court or magistrate “in default of bail, for non-payment of fine or costs, or both, or for punishment for any offence not punishable by imprisonment for life,” etc.

<sup>2</sup> St. 1884, c. 323, § 3.—“No boy shall be committed to the Lyman School for boys who has passed the age of fifteen years.” etc. (Provisions for revision of sentence in case of error as to age follow.)

<sup>3</sup> P. S. 215, § 17.—“If a boy under the age of sixteen years is convicted of an offence punishable by imprisonment in the state prison, he not having been before sentenced to imprisonment in the state prison in this state, or in any state prison or penitentiary within the United States, the court, if sentence of solitary imprisonment and confinement at hard labor for a term not exceeding three years is awarded against him, shall order such sentence to be executed in the jail, and not in the state prison.”



## 2. JURISDICTION.

In general, police, district and municipal courts,<sup>1</sup> and trial justices,<sup>2</sup> and, outside Suffolk county, judges of the probate court<sup>3</sup> also, have jurisdiction of cases of juvenile offenders, except felonies punishable by life imprisonment.

Cases of neglected children under fourteen may be brought before any court or magistrate.<sup>4</sup>

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<sup>1</sup> St. 1893, c. 396, § 35.—“They” [*i.e.* police and district courts] “shall have jurisdiction, as aforesaid, of felonies punishable by imprisonment other than for life, committed by juvenile offenders under 17 years of age, and upon conviction may sentence such offenders to any punishment provided by law for the offence, other than imprisonment in the state prison, or may commit them to any institution established by the authority of the laws of the Commonwealth for the reformation of juvenile offenders, or may order the offenders to recognize with surety or sureties for their appearance before the superior court in due course of law.”

St. 1894, c. 431, § 2.—“The municipal court of the city of Boston shall hereafter have all of the civil and criminal jurisdiction conferred upon police and district courts by the provisions of sections twelve to fifty-three, both inclusive, of said chapter, in addition to the present jurisdiction of said court,” etc. See also P. S., c. 154, § 50.

<sup>2</sup> P. S., c. 155, § 49.—“They” [*i. e.* trial justices] “shall have jurisdiction of felonies punishable by imprisonment other than for life committed by juvenile offenders under seventeen years of age, and upon conviction,” etc.

<sup>3</sup> P. S., c. 89, § 16.—“Judges of the probate courts, except in Suffolk County, may receive complaints, issue warrants, and hear cases against juvenile offenders at such times or places, in or out of their respective counties, as convenience may require. And any judge of a probate court may act in any case for the judge of any other county, whether absent or not, when so requested.”

<sup>4</sup> St. 1882, c. 181, as amended by St. 1886, c. 330, and St. 1888, c. 248. Cf. also St. 1894, c. 498, § 28. The provisions of this law are however contingent, but as towns have not generally complied with the conditions of law, it is inoperative, and the law of 1882 is generally used.

Cases of truants, absentees, and children unruly at school may be brought before police, district or municipal courts, trial justices and probate courts.<sup>1</sup>

Boys may be committed to the Lyman School and girls to the State Industrial School for Girls <sup>(2)</sup> as follows: viz: from Suffolk county, by municipal and police courts and trial justices:<sup>3</sup>

from other counties by judges of probate courts, and by police and district courts and trial justices.<sup>3</sup>

### 3. SUMMONS AND WARRANTS.

A summons instead of a warrant for arrest shall issue in cases of offenders under seventeen (except in cases of felonies punishable by imprisonment for life), unless the court or magistrate receiving the complaint finds reason to believe that the accused will not appear upon a summons.<sup>4</sup>

In this way the child is saved detention over night, as he need not appear till the time of trial; if arrested on a warrant he must generally be brought in at least as early as

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<sup>1</sup> St. 1894, c. 498, § 15. (See p. 27, note 2.)

<sup>2</sup> There is also provision, which appears to be obsolete, as to commissioners to be appointed by the governor to hear and determine complaints against girls. P. S., c. 89, §§ 15 and 17.

<sup>3</sup> P. S., c. 89, § 15.

<sup>4</sup> P. S., c. 212 as amended by St. 1890, c. 225.—“Upon a complaint for a criminal offence within the jurisdiction of trial justices a summons shall issue instead of a warrant for arrest, unless in the judgment of the court or magistrate receiving the complaint there is reason to believe that the accused will not appear upon a summons.”

For jurisdiction of trial justices over juvenile offenders, see P. S., c. 155, § 49, quoted page 7.

the evening before the trial in order to be on hand, and must pass the night under lock and key, an experience which is likely either to destroy a wholesome horror of imprisonment or to expose to increased familiarity with vicious talk.

. . . . "A warrant may issue at any time after the issue of such summons, if occasion arises, whether the summons has been served or not."<sup>1</sup>

In cases of children under twelve, not complained of for an offence punishable by imprisonment for life, and not truants and absentees from school, it appears that a warrant is allowable only if the child fails to appear as directed in the summons.<sup>2</sup>

#### 4. NOTICE TO RELATIVES AND TO STATE BOARD.

In cases of juvenile offenders, summons must be issued to the father, or failing him to the mother, or failing her to the lawful guardian, or finally to the person with whom the child says he resides.

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<sup>1</sup> P. S., c. 212, § 18.— "If a defendant so summoned fails, without a reasonable excuse, to appear and abide the orders of the court or magistrate, such failure shall be considered a contempt of court, and may be punished by fine not exceeding twenty dollars. A warrant may issue at any time after the issue of such summons, if occasion arises, whether the summons has been served or not."

<sup>2</sup> St. 1882, c. 127, § 3. — "When a complaint is made to any court or magistrate of any offence, not punishable by imprisonment for life, committed by a child under twelve years of age, such court or magistrate, if an examination is deemed necessary, shall, in the first instance, issue a summons to said child requiring his presence before such court or magistrate at the time and place named in said summons; and if said child fails then and there to appear as directed in said summons, such court or magistrate shall then issue a warrant for the arrest of said child."



Failing all these, the court or magistrate may appoint a guardian *ad litem* (*i.e.* a person to guard the interests of a minor during a trial), and require him or her to appear at the trial.<sup>1</sup>

In cases of juvenile offenders the court or magistrate, when of the opinion that the boy or girl, if the complaint be proved, should be sent to a public institution or committed to the custody of the state board of lunacy and charity, must give written notice of the complaint to said board, which shall have an opportunity to investigate the case and attend the trial.<sup>1</sup> Failure, on the part of the court, to give such notice makes the commitment illegal.

The summons required by section 20 (to relatives, etc.) need not be issued when a boy or girl is brought up again on a com-

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<sup>1</sup> P. S., c. 89, § 20, as amended by St. 1883, c. 110, and St. 1886, c. 101, § 4.—“When any such boy or girl is so brought on such complaint before such court or magistrate, a summons shall be issued to the father of the boy or girl, if living and resident within the place where the boy or girl was found, and, if not, then to the mother if she is living and so resident; and, if there is no such father or mother, then to the lawful guardian, if there is one so resident; if not, then to the person with whom, according to the statement of such boy or girl, and such testimony as shall be received, he or she resides; and if there is no such person, the court or magistrate may appoint some suitable person to act in behalf of such boy or girl, requiring him or her to appear at a time and place stated in the summons, and show cause, if any there is, why such boy or girl should not be committed to the reform school,\* or industrial school respectively; and the court or magistrate when of the opinion that such boy or girl should, if the allegations contained in the complaint be true, be sent to a public institution or committed to the custody of the state board of lunacy and charity, shall cause written notice of such complaint to be given by mail or otherwise to the said board, which shall have an opportunity to investigate the case, attend the trial and protect the interest of or otherwise provide for the child.”

\* Now the Lyman School.

plaint, having been previously committed to the Lyman or Industrial School.<sup>1</sup>

## 5. COMPLAINT.

### *a.* Choice of complaint.

There is often considerable room for choice in regard to what complaint is made in juvenile cases. A complaint of neglect, abandonment or abuse,<sup>2</sup> or an application for guardianship,<sup>3</sup> will make it possible to accomplish what is often the main object desired, namely, the complete withdrawal of the child from the influence of unfit parents.

Many juvenile offenders under fifteen are also truants, and many truants are also guilty of other offences, and where it is possible to choose what complaint to bring, it is well worth while to consider the circumstances of an individual case. As a general rule, truant schools should be reserved for those who are merely truants and absentees, or unmanageable at school. If those who are also guilty of other offences are likewise sent there, courts become unwilling, as this is known, to send genuine truants to be exposed to such association and stigma, and a class of boys who are especially likely to be helped by a little timely discipline are shut off from it.

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<sup>1</sup> P. S., 89, § 26.—“If a boy or girl previously committed to the reform or industrial school is again brought before such court or magistrate upon any such complaint, the case may be examined and a warrant issued for a recommitment of such boy or girl, without issuing the summons required by section 20.”

<sup>2</sup> See pp. 22, 39.

<sup>3</sup> See pp. 19, 39.



Parents and guardians, by preferring a complaint of "stubborn and disobedient child," can save a child the ordeal of having a more specific or disgraceful charge proved in court.

*b.* By whom made.

In cases of truancy, duly appointed truant officers are alone authorized to make complaint.<sup>1</sup>

Charge of stubbornness and disobedience can be brought by parents and legal guardians.

In regard to other complaints, there is no distinction in juvenile cases.<sup>2</sup>

*c.* Change of complaint.

If a complaint has not been properly made or cannot be sustained, the child can be held by the court or magistrate while another complaint is made.

## 6. SEPARATE TRIAL.

Juvenile offenders shall be tried separate and apart from the trial of other criminal

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<sup>1</sup> St. 1894, c. 498, § 20.— "The school committee of each town shall appoint . . . two or more suitable persons, to be designated truant officers, who shall, under the direction of said committee, inquire into all cases arising, under such by-laws" [*i. e.* by-laws to be made by town as to habitual truants, etc., cf. § 19, cited p. 27]; "and shall alone be authorized, in case of violation thereof, to make complaint and carry into execution the judgment thereon; and who may serve all legal processes issued by the courts in pursuance of such by-laws, or of sections fifteen to twenty-four inclusive of this act, but who shall not be entitled to receive any fees for such service."

<sup>2</sup> St. 1894, c. 498, § 27, undertook to restrict the right of complaint in cases of neglected children, and of the violation of certain by-laws, but the section is inoperative since its conditions are not complied with.

cases.<sup>1</sup> Truants are tried apart from offenders either juvenile or adults.

7. EXCLUSION OF MINORS FROM COURT.

Minors may be excluded as spectators from the court room, during any trial, when their presence is not necessary.<sup>2</sup>

8. INTERIM DISPOSITION OF CHILDREN.

A child under twelve held for examination or trial, cannot be committed to jail in default of bail.<sup>3</sup> In cases of offenders between twelve and seventeen, as well as those under twelve, it is customary either to release a child on his own recognizance or to accept parents or other responsible persons as surety. When official detention is necessary, a child under twelve must be committed to the custody of the state board of lunacy and charity, and if over twelve, in preference to commitment to jail, an agent of the board may take charge of child, the agent being

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<sup>1</sup> P. S., c. 89, § 19.—“Police, district, and municipal courts shall try juvenile offenders separate and apart from the trial of other criminal cases, at suitable times to be designated therefor by said courts, to be called the session for juvenile offenders, of which session a separate docket and record shall be kept.”

<sup>2</sup> P. S., c. 160, § 16.—“Any court or trial justice may exclude minors as spectators from the court room during the trial of any cause, civil or criminal, when their presence is not necessary as witnesses or parties.”

<sup>3</sup> P. S. 1882, c. 127, § 2 (as amended by St. 1886, c. 101, § 4.)—“Whenever any child under twelve years of age is held by any court or magistrate for examination or trial, and said child is unable to furnish bail for such examination or trial, such court or magistrate shall commit said child to the custody of the state board of lunacy and charity: and said board is authorized to make all proper provisions for the safe keeping of said child, and for his presence at the examination or trial for which he is held, at the time and place named in the mittimus.”

recognized as surety; in either case the agent of the state board may then place the child, for the interval, with private agencies.

In Boston the City Temporary Home for Women and Children on Chardon Street, is often used by the state board of lunacy and charity for the temporary detention of girls and the younger boys. Here they necessarily mingle with women of every sort, and moreover there is no provision for secure detention. Some other provision for such cases should be made.

Older children *may* be committed to jail temporarily if bail is not given, but this is to be deplored.<sup>1</sup>

Minors in jails and houses of correction are to be kept separate from notorious offenders and those convicted of any infamous crime.<sup>2</sup>

In Boston, girls and women under arrest or lodged in station houses are not to be there detained, but carried as soon as possible to the House of Detention, where they are under the care of police matrons.

In cities of over 30,000 population there must be designated a certain station or stations for the detention of women and girls under arrest, and police matrons shall be put in charge of them.<sup>3</sup>

In transporting prisoners to or from a court it is illegal, in cities of over 30,000, to carry

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<sup>1</sup> P. S., c. 89, § 21.—“Such boy or girl arrested on any complaint referred to in the preceding sections, may be held or committed to jail by the officer having said child in custody until the time appointed for the trial, unless admitted to bail as provided in section forty-six of chapter two hundred and twelve, and the judge of the probate court, as well as the magistrates named in said section, may admit to bail.”

<sup>2</sup> P. S., c. 220, § 38.

<sup>3</sup> St. 1887, c. 234; St. 1888, c. 181.



male and female prisoners together.<sup>1</sup> The same precaution should be extended to transportation to the place of detention, etc. In Boston, boys formerly were carried to the wharf, to go to Deer Island, in the same conveyance with the women prisoners. On attention being drawn to this point it was arranged that neither boys nor girls were to be taken thenceforth in the prison conveyances, but only in carriages with officers in charge and apart from adults. Where those in authority are interested a great deal can be done to prevent contamination *en route* or during detention.

9. RELATIONS OF COURTS AND MAGISTRATES TO PRIVATE SOCIETIES.

In Massachusetts, a court or magistrate cannot *commit* juvenile offenders to private societies. There are, however, various ways in which courts secure for children the care of such when it is needed. The court may dismiss a case, place it on file, or impose a nominal fine (e. g., one cent without costs), with the understanding that parents, guardians or other responsible persons will make effective arrangements for care by private agencies. Pending the making of such arrangements, or to secure a preliminary test of their efficacy, the court may continue the case, and at the end of the period of continuance, if it seems best, dispose of the case in

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<sup>1</sup> St. 1894, c. 273, § 1.—“No officer having the custody or control of prisoners shall permit male and female prisoners to be transported together to or from a court in a van or other carriage, within cities having more than thirty thousand inhabitants according to the last state census.”

either of the ways just indicated; or if the arrangement has involved sending the child away from home, and it is desirable to avoid the necessity of his reappearance at court, a case is sometimes dismissed by the child being allowed to default, entry being made that no default warrant is to issue.

For a statement of the use that may be made of private societies for custody and guardianship in cases of neglected and other children, and in probation cases, see under the heads of *Probation, Appointment of a Guardian, Treatment as an Abused, Neglected or Indigent Child*, in chapters on Possible Disposal of Cases of Boys and of Girls respectively.



## POSSIBLE DISPOSAL OF CASES.

### A. BOYS.

#### I. PROBATION AT HOME.

Boys who seem to have a chance of doing well under existing conditions at home, or in a situation, provided some stimulus and oversight be added, may be put on *probation*.

*a.* In care of the probation officer of the court.<sup>1</sup>

*b.* In care of an agent of the state board of lunacy and charity.<sup>2</sup>

*c.* Courts occasionally give the charge of a boy on probation to a private person willing to try to bring good influences to bear. This

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<sup>1</sup> St. 1891, c. 356, § 3.—“ Each probation officer shall inquire into the nature of every criminal case brought before the court under whose jurisdiction he acts, and may recommend that any person convicted by said court be placed upon probation; the court may place the person so convicted in the care of said probation officer for such time and upon such conditions as may seem proper.”

§ 9.—“Nothing in this act shall be so construed as to interfere with any of the duties required of the board of lunacy and charity under the provisions of the statutes relating to juvenile offenders.”

<sup>2</sup> P. S., c. 79, § 2.—“ The State Board may assign any of its powers or duties to agents appointed for the purpose, and may execute any of its functions by such agents.”

St. 1883, c. 110.—“And the court or magistrate, when of opinion that such boy or girl should, if the allegations contained in the complaint be true, be sent to a public institution or committed to the custody of the state board of lunacy and charity; shall cause written notice of such complaint to be given by mail or otherwise to the said board, which shall have an opportunity to investigate the case, attend the trial, and protect the interest of or otherwise provide for the child.”

might perhaps be done oftener than it is with good effect, wherever the judge knows a suitable person to undertake the responsibility. Another excellent plan is to secure the coöperation of school teachers. For an account of a scheme of this sort see note <sup>1</sup>.

d. The following private societies take boys on probation: (see p. 15).

The Boston Children's Aid Society (Rooms 41 and 43 Chardon Street Building). An agent of this society, who is regularly present at juvenile sessions of the municipal court of Boston, takes boys of any age on probation from this court and on special call from other courts in Boston and vicinity, visits them at their homes, receives them at his home, etc. This agent also looks after boys referred by truant officers and others.

St. Vincent de Paul Society (Room 36 Chardon Street Building), looks after and takes on probation, *Roman Catholic boys* from the municipal court of Boston.

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<sup>1</sup> A judge of a Boston court writes: "As I have often found it quite difficult to interest parents and induce them to actively coöperate with me in keeping children under restraint and producing beneficial results from the probation, I several years ago asked the assistance of the school teachers in this district. I had a blank form printed requesting the teachers to inform me of the attendance and conduct of the child on probation while in school. One of these blank forms was given to every child, which he was required to have his teacher fill out, and to bring to me on each probation day. I have found that this had a beneficial effect upon the child, and in many instances created a rivalry among them as to who should bring me the best report. Teachers have also informed me that they have found it an advantage in the management of the boys at school. I require the children on probation to report to me quite often so they shall not forget they are being looked after. . . . I believe that no child should be committed to to any penal institution until all other efforts for reformation have been tried."

The agent visits boys in their homes, and they are requested to report weekly at the office.

2. PROBATION AWAY FROM HOME.

Boys who need to be removed from existing surroundings, are also often best dealt with by means of *probation in new surroundings*, either with proper relatives under supervision (just as in the case of probation at home, for which see above), in a situation or in some sort of training school, such as those of the Boston Children's Aid Society, (Pine Farm, at West Newton, Mass., and Rock Lawn Farm, at Foxboro, Mass.,) or the House of the Angel Guardian. (See pp. 32, 33.)

3. APPOINTMENT OF A GUARDIAN.<sup>1</sup>

The appointment of a guardian, in case a suitable person will accept the position, satisfactorily meets the needs of certain cases, where what is chiefly needed is responsible oversight.

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<sup>1</sup> P. S., c. 139, § 1.—“ The probate court in each county may, when it appears to be necessary or convenient, appoint guardians to minors and others who are inhabitants of or residents in the county, or who reside out of the commonwealth and have estate within the county.”

§ 2.—“ If a minor is under the age of fourteen years, the probate court may nominate and appoint his guardian. If he is above that age, he may nominate his own guardian, who, if approved by the court, shall be appointed accordingly. If the person nominated is not approved by the court, or if the minor resides out of the commonwealth, or after being cited neglects to nominate a suitable person, the court may nominate and appoint his guardian in the same manner as if he were under the age of fourteen years.”

§ 3.—“ The nomination of a guardian by a minor above the age of fourteen years may be made before a justice of the peace or before the city or town clerk, who shall certify the fact to the probate court.”



A guardian may be appointed (if there is no legal guardian)—

1. When both parents consent;
2. When both parents are dead;
3. When, though living, they are proved to be unfit guardians of the child;
4. When, one parent being unfit, the other consents in writing to such appointment.

A probate court has it in its discretion to appoint as guardian for a minor, to act as such till his majority, any individual, as for instance a suitable relative or friend of the minor, the agent of a society, or any discreet

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§ 4.—“The guardian of a minor, unless sooner discharged according to law, shall continue in office until the minor arrives at the age of twenty-one years, and he shall have the custody and tuition of his ward and the care and management of all his estate, except that the father of the minor, if living, and in case of his death the mother, they being respectively competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education; but the probate court may order that the guardian shall have such custody, if upon a hearing, and after such notice to the parents or surviving parent as it may direct, it finds such parents or parent to be unfit to have such custody, or if it finds one of them unfit therefor, and the other files in such court his or her consent in writing to such order.”

St. of 1891, c. 358, §§ 1 & 2.—“The probate court in the several counties may, upon the application of a guardian entitled to the custody of his minor ward, during the lifetime of both, or either of the parents of such ward, and after notice to all parties interested, order and require the said parents, or either of them, to contribute to the support and maintainance of such minor, in such sums, and at such times as, having regard to all the circumstances of the case, may seem just and reasonable. Said court may from time to time afterward, on application made by either party above named, revise or alter such order, or make such new order or decree as the circumstances of the parents or the benefit of the minor may require.”

§ 2.—“The probate court making such order or decree may require the parties so charged with the contribution for support to furnish a bond, payable to the judge of said court and his successor, in such sum and with such sureties as the court may order.”

and interested outside person. Certain societies are also specially authorized to accept guardianship to be exercised through their officers and agents, viz.: the Boston Children's Friend Society,<sup>1</sup> the Home for Destitute Catholic Children,<sup>1</sup> and, in cases of abused and neglected children, the Massachusetts Society for the Prevention of Cruelty to Children, and the Hampden County Children's Aid Association.

The probate court may nominate and appoint a guardian when the minor is under fourteen, or when, being over fourteen, he neglects, after being cited, to nominate a suitable person, or when the person nominated is not approved by the court, or when the minor lives outside the State.

A minor over fourteen may nominate his own guardian before a justice of the peace, or a city or town clerk, subject to the provisions of the foregoing paragraph.

A guardian manages the estate of his ward, if any, and has rights of custody and tuition, when the parent or parents are judged unfit therefor, or when, one being judged unfit, the other consents to give up charge of the child.

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P. S., c. 139, § 25.—“When the custody of a minor is given to a guardian, pursuant to section four for the reason that one or both of the parents of the minor are unfit to have such custody, such guardian may in the discretion of the court be allowed to give a bond without a surety; but the court may in such case, at any time when it deems that the protection of the ward's interests renders it necessary, require such guardian to give a bond with surety or sureties.”

For general powers and duties of guardians, see P. S., c. 139, § 29-43.

<sup>1</sup> St. 1885, c. 362; St. 1890, c. 117, and St. 1891, c. 312.



The probate court may require the parents, or either of them, to contribute to the support of a ward, and may require them in such case to furnish bond with sureties.<sup>1</sup>

A guardian is not liable for the support of his ward beyond the property coming into his possession through such guardianship.

When a guardian assumes responsibility for a minor because one or both parents are unfit for such charge, he may be allowed to give a bond without a surety; but at any time when the court deems such surety necessary for the interest of the ward, it may be required.<sup>2</sup>

It is important in cases of guardianship, where possession of the child is desired, to add to the petition for guardianship the words "and for the *custody* of said minor;" otherwise guardianship covers property only.

#### 4. TREATMENT AS AN ABUSED, NEGLECTED OR INDIGENT CHILD.

A boy may be sometimes more wisely treated as an abused, neglected or indigent child, than as a juvenile offender.

a. Children under fourteen who, by due process, are shown to be *without a guardian and neglected, abused or abandoned*, may be put under the guardianship of the Massachusetts Society for the Prevention of Cruelty to Children (Room 3, No. 15 Pemberton Square), or, in Hampden County, of the Hampden County Children's Aid Association.<sup>3</sup>

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<sup>1</sup> St. 1891, c. 358, §§ 1 and 2.

<sup>2</sup> P. S., c. 139, § 25.

<sup>3</sup> P. S., c. 48, § 22.—"The judge of the probate court of any county, when it appears that a minor under fourteen years of age resident therein is without a guardian, and is entirely abandoned

b. A court or magistrate may commit a child under fourteen, growing up in circumstances of *neglect* and *moral exposure*, or *dependent on public charity*, to the custody of the state board of lunacy and charity, if he has no known settlement, or to the overseers of the poor (in Boston, commissioner of public institutions), if the settlement is known, till majority, or for any less time. The board thus given the charge is authorized to place the child in some state, town or municipal institution, or in a family, or to discharge at discretion. If the place of legal settlement has not under its control any institution in which the child may be lawfully maintained, the child may be committed to the custody of the state board of lunacy and charity instead of to the overseers.<sup>1</sup>

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or treated with gross and habitual cruelty, by the parent or other person having the care or custody of him, or is illegally deprived of liberty, may appoint as his guardian the Massachusetts Society for the Prevention of Cruelty to Children, for such period as seems fit to the judge; and said society shall thereupon become entitled to the custody of such child to the exclusion of any other person, but shall not be entitled to his property. Said judge may at any time, for good cause, revoke such appointment.

<sup>1</sup> St. 1882, c. 181, § 3, as amended by St. 1886, c. 330, and St. 1888, c. 248.—“Whenever it shall be made to appear to any court or magistrate, after due complaint setting forth the facts relied upon and a hearing thereon, that within his jurisdiction any child under fourteen years of age, by reason of orphanage, or of the neglect, crime, drunkenness or other vice of his parents, is growing up without education or salutary control, and in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity, such court or magistrate shall, after notice to the state board of lunacy and charity, commit such child, if he has no known settlement in this Commonwealth, to the custody of said board, and if he has a known settlement then to the overseers of the poor of the city or town in which he has such settlement, except in the city of Boston,

The law of 1894 (c. 498, § 28) also makes certain contingent provisions as to boys under sixteen, growing up in circumstances of moral neglect and exposure, but these are rarely if ever applicable as towns have not generally complied with the conditions of the law.<sup>1</sup>

#### 5. COMMITTAL TO THE CUSTODY OF THE STATE BOARD OF LUNACY AND CHARITY.

Juvenile offenders<sup>2</sup> and neglected children may be committed to the custody of the state

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and if he has a settlement in said city, then to the commissioner of public institutions in said city, until he arrives at the age of twenty-one years, or for any less time; and the said board, overseers and commissioner are authorized to make all needful arrangements for the care and maintenance of children so committed in some state, municipal or town institution, or in some respectable family, and to discharge such children from their custody whenever the object of their commitment has been accomplished; *provided, however*, that where it shall be made to appear that the place of legal settlement of any such children has not within its control any institution in which they may be lawfully maintained, such court or magistrate may commit such children to the custody of the state board of lunacy and charity, and the authority vested in such overseers under this section relative to children who have a known settlement, may be exercised by said state board, in the same manner and to the same extent, as might have been exercised by said overseers, had such children been committed to them."

<sup>1</sup> St. 1894, c. 498, § 28.—"A judge of the superior court, or of a police, district or municipal court, or a trial justice, upon proof that any child under sixteen years of age, by reason of orphanage or of the neglect, crime, drunkenness or other vice of parents, is growing up without salutary parental control and education, or in circumstances exposing such child to lead an idle and dissolute life, may order such child to such institution of instruction or other place assigned for the purpose, as may be provided under section 19 of this act by the town in which such child resides, to be there kept, educated and cared for, for a term not extending beyond the age of twenty-one years for boys, or eighteen years for girls."

<sup>2</sup> P. S., c. 89, § 22.—"The court or magistrate before whom" (a boy between the ages of seven and seventeen is brought on complaint for any offence not punishable by death or imprisonment for life,) "may upon request of the state board of lunacy



board of lunacy and charity.<sup>1</sup> Such committal is commonly for minority. The state board has complete power with regard to children so committed, including the power to board out or indenture, to place in the Lyman School, or otherwise transfer, to discharge at discretion,<sup>2</sup> or to give up for adoption.<sup>3</sup>

Hitherto juvenile offenders committed to its custody have usually been placed for a time in the State Primary School, and then placed out, with or without board, according as they were below or above ten, boys below ten, in places, being visited by salaried women visitors. The State Primary School has now been abolished<sup>4</sup> and all will probably be placed out, except such as it is thought best to transfer to the Lyman School.

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and charity, authorize said board to take and indenture, or place in charge of any person, or in the state primary school, or, if he or she prove unmanageable, to commit to the reform or industrial school, such boy or girl, till he or she attains the age of twenty-one years, or for any less time. And said board may provide for the maintenance of any such boy or girl, so indentured or placed in charge of a person, in whole or in part, at a cost to the state not exceeding the average cost of the support of children at the state primary school." The state primary school is now abolished. See St. 1895, c. 428, § 1, p. 31.

<sup>1</sup> St. 1882, c. 181, § 3, as amended by St. 1886, c. 330, and St. 1888, c. 248. (Cited p. 23.)

<sup>2</sup> P. S., c. 89, § 50.—"The state board may discharge from custody any child committed to its care under the provisions of section twenty-two."

<sup>3</sup> Subject to the usual provisions; see P. S., c. 148.

P. S., c. 89, § 56.—"The state board shall seek out suitable persons who are willing to adopt, take charge of, educate and maintain children arrested for offences, committed to a state institution, abandoned or neglected, and give notice thereof to the institutions, boards, officers or persons having authority so to dispose of said children."

<sup>4</sup> St. 1895, c. 428, § 1. See p. 31.

## 6. TREATMENT AS TRUANTS.

Every person having under his control a child between the ages of eight and fourteen years, and in every city and town where opportunity is furnished, in connection with the regular work of the public schools, for gratuitous instruction in the use of tools or in manual training, or for industrial education in any form, a child between the ages of eight and fifteen years, shall annually cause such child to attend some public day school in the city or town in which he resides, and such attendance shall continue for at least thirty weeks of the school year, if the schools are kept open for that length of time, with an allowance of two weeks' time for absences not excused by the superintendent of schools or the school committee. . . . St. 1894, c. 498, § 1.

Excepted are cases where the child has received the required instruction otherwise, or where his mental or physical condition make the required attendance inexpedient or impracticable. (*Ibid.*)

The responsibility for the required attendance at school is thrown primarily on parents, guardians, or others having children in their charge, and they may be fined on complaint of the school committee or truant officer.<sup>1</sup>

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<sup>1</sup> . . . Such period of attendance shall begin within the first month of the fall term of school, and for each five days' absence of any child thereafter, in excess of the above allowance, before the completion of the required annual attendance of thirty weeks, the person having such child under his control shall, upon the complaint of the school committee or any truant officer, forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars. . . . St. 1894, c. 498, § 1.



For remarks on complaining of a child for truancy see p. 11 on *Choice of Complaint*.

A truant or absentee may be given the opportunity of a practical probation by having the case continued under the oversight of the truant officer.

All towns are required to make provision for truants, absentees, and children unruly at school, and to make by-laws in regard to them.<sup>1</sup>

Police, district or municipal courts, trial justices and probate courts have jurisdiction<sup>2</sup> and may commit to truant schools or to other suitable places provided for the purpose, for a term not exceeding two years.<sup>3</sup>

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<sup>1</sup> St. 1894, c. 498, § 19.—“Each town shall make all needful provisions and arrangements concerning habitual truants, and children between seven and fifteen years of age who may be found wandering about in the streets or public places therein, having no lawful occupation or business, not attending school, and growing up in ignorance, and such children as persistently violate the reasonable rules and regulations of the public schools, and shall make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such town; and shall provide suitable places for the confinement, discipline and instruction of such children.”

<sup>2</sup> St. 1894, c. 498, § 15.—“Whenever a truant school has been established for any county, it shall be the place of confinement, discipline and instruction for all truants within the cities and towns of said county, unless said cities or towns have made other provision therefor; and police, district or municipal courts, trial justices and probate courts, shall have jurisdiction within their respective counties of the offences described in sections nineteen and twenty-one of this act; and may commit truants to such truant school or union truant school as may be established for their respective counties under the provisions of this act.”

<sup>3</sup> St. 1894, c. 498, § 21.—“Any minor convicted under a by-law made under section nineteen of this act, of being an habitual truant, or of wandering about in the streets and public places of a city or town, having no lawful employment or business, not attending school and growing up in ignorance, or of

Provisions in regard to the establishment of truant schools are given in St. 1894, 498, § 16.

When a truant school is established for any county, it is the place to which truants from cities and towns in that county are to be sent, unless otherwise provided by the city or town.<sup>1</sup>

"Children so committed may, upon satisfactory proof of amendment or other sufficient cause, be discharged \* \* \* \* \* by the judge or justice who committed them."<sup>2</sup>

Boston has just established a Parental School at West Roxbury for truant boys. It is on the cottage system and under the joint management of the Commissioner of Public Institutions and of the School Committee. One cottage only is now built.

## 7. IMPOSITION OF A FINE.

In imposing fines it is important to consider whether the expense will actually be borne by the person who ought to bear it.

The fine may be made to fall on the boy by continuing a case to a definite time with an intimation that a fine will then be imposed. During the interval a boy may be under pressure through his surety (parent, guardian, probation officer, agent of a charitable society, etc.) to earn and save money against the expected fine.

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persistently violating the rules and regulations of the public schools, shall be committed to any institution of instruction or suitable situation provided for the purpose, under the authority of said section or by-law, for a term not exceeding two years."

<sup>1</sup> St. 1894, c. 498, §§ 15, 17.—(The rest of the section is in regard to payment for children in such schools.)

<sup>2</sup> St. 1894, c. 198, § 18.

In some cases the fact that a fine will fall on a parent is its very recommendation.

Great care must be taken lest the boy, in case of non-payment, stand committed to an unsuitable place.<sup>1</sup> Anything is better than creating a criminal by letting a boy or young man, not yet seriously contaminated, get into the atmosphere too prevalent in jails, work-houses and houses of correction.<sup>2</sup>

In cases of non-payment of fine in Suffolk county boys generally go from Boston to the House of Industry, an institution which is designed for adults of the vicious class, and where they have abundant opportunities for intercourse with the most corrupting associates. See p. 36.

From other parts of Suffolk county boys generally go in such cases to the House of Correction at South Boston, or to the county jail on Charles Street. See pp. 36, 37.

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<sup>1</sup> Of course a boy under twelve cannot be committed to jail, etc. See p. 6.

<sup>2</sup> P. S., c. 215, § 4.—“Whoever is convicted of a crime punishable by fine, and is liable to imprisonment in the jail for non-payment of fine and costs of prosecution, may be sentenced to suffer such imprisonment in the house of correction instead of the jail, and to be confined at hard labor either in the jail or house of correction.”

† 6.—“When a person is convicted of an offence punishable at the discretion of the court, either by fine or imprisonment in the jail or house of correction, or by fine or imprisonment in the state prison, the court may award against such offender a conditional sentence, and order him to pay a fine with or without the costs of prosecution, within a limited time to be expressed in the sentence, and in default thereof to suffer such imprisonment as is provided by law.”

§ 7.—“The person against whom such conditional sentence is awarded shall be forthwith committed to the custody of an officer in court or to the jail, to be detained until the sentence is complied with; and if he does not within the time limited pay the fine and costs imposed, the sheriff shall cause the other part of the sentence to be executed forthwith.”

Also P. S., c. 222, § 15.



In other counties the house of correction is the usual alternative in case of non-payment of fine.

These institutions are not planned for reformatory effect and are not suitable under any circumstances for juvenile offenders. In the case of other minors their use as an alternative for the nonpayment of a fine requires at least great discretion.

#### 8. COMMITTAL TO A REFORM SCHOOL OR OTHER JUVENILE INSTITUTION.

*a.* Boys from any part of the state, if over seven and under fifteen,<sup>1</sup> may be committed

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<sup>1</sup> St. 1884, c. 323, § 3.—“No boy shall be committed to the Lyman School for Boys who has passed the age of fifteen years; and if within twenty days after the commitment of any boy, the trustees shall have reason to believe that such boy, at the time of his commitment, was more than fifteen years of age, they may apply to the court by whom such commitment was made for a revision of sentence, and the court shall have power to revise his sentence, after determining, in the manner provided by law for the determination of facts in said court, any question arising in regard to his age, and to pass such sentence as it might have passed if such boy had been found, at the time of his original sentence, to be of the age which it shall appear that he then was.”

P. S., c. 89, § 23 (1st part).—“At the time mentioned in the summons, such court or magistrate shall proceed to examine the boy or girl, and any party appearing in answer to the summons, and to take such testimony in relation to the case as may be produced,” etc.

§ 28.—“When a boy is convicted by a judge of the probate court of any offence not punishable by a capital or infamous punishment, unless disposed of as provided in section twenty-two, he may be sentenced and committed to the reform school,\* or any institution established by authority of law for the reformation of juvenile offenders; or, in the discretion of the judge, to such other punishment as is provided for the offence.”

§ 34.—“When a boy between the ages of seven and seventeen years is convicted in the supreme judicial court or superior court, of an offence which may be punishable by imprisonment other than imprisonment for life, the court may sentence



until majority to the Lyman School. Though legally admissible at seven few boys, until recently, have been sent there under twelve. Since the closing of the State Primary School<sup>1</sup> occasional boys of ten, or even less, may be sent to the Lyman School, but the trustees plan to place these out at board as soon as possible.

The Lyman School is a state institution, situated at Westborough, Mass. It is on the cottage plan, with between twenty-five and thirty-five boys to a cottage, there being eight cottages in all. Beside the common school branches great attention is given to manual training, including sloyd work, and advanced work in wood and iron. The boys are also practically taught printing, farming, simple blacksmithing, and other kinds of work. Physical exercise and training are taught as essential. As soon as it seems probable that he will do well, a boy is placed on probation, either in his own home or in a family where he is visited by an agent of the school, and

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him to the reform school, or to such punishment as is otherwise provided by law," etc.

§ 35.—"All boys and girls committed to the reform school \* or industrial school shall be there kept, disciplined, instructed, employed and governed, under the direction of the trustees, until they arrive at the age of twenty-one years, or are bound out, or otherwise legally transferred or discharged. The discharge of a boy as reformed, on arriving at the age of twenty-one years, shall be a complete release from all penalties and disabilities created by the sentence."

§ 37.—"The provisions of this chapter respecting the state reform school \* for boys shall extend to boys committed by authority of the courts or magistrates of the United States."

\* The name of the school is now the Lyman School for Boys.

<sup>1</sup> St. 1895, c. 428, § 1. The state primary school at Monson shall on the first Monday in July, in the year eighteen hundred and ninety-five, cease to exist.

whence he can be recalled at discretion. The average time of remaining in the school is less than two years. The school is managed by a board of trustees<sup>1</sup> (composed of both men and women, and appointed by the governor), who, with the concurrence of the state board of lunacy and charity have power to transfer boys to the State Farm, or, with the concurrence of the prison commissioners, to the Massachusetts Reformatory at Concord.

*b.* Boys may also be sent to various private institutions.

From Boston and vicinity. The training schools of the Boston Children's Aid So-

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<sup>1</sup> St. 1895, c. 428. § 2. The trustees of the state primary and reforms chools shall hereafter be known as the Trustees of the Lyman and Industrial Schools, and shall retain all their present trusts, rights, powers and duties, except so far as the same may be affected by the state primary school ceasing to exist.

§ 3. The trustees of the Lyman and industrial schools shall have the power to release on probation, and, with or without indenture to place any of the children in their custody in their usual homes, or in any situation or family which has been investigated and approved in a manner satisfactory to said trustees and in accordance with existing laws; and said trustees may employ agents for investigating places and for visiting children, and immediately on placing such children shall furnish the state board of lunacy and charity with the name of each child so placed, and the name and residence of the person to whose care such child is intrusted.

§ 4. The custody of all children committed to the Lyman school for boys, or to the state industrial school for girls, shall be and remain with said trustees; and said trustees may at any time, until the expiration of the commitment, resume the personal care and possession of children released on probation or previously transferred to the state primary school, and may recall them to the school to which they were originally committed; and all children committed to either the Lyman or the state industrial schools shall be committed until they attain respectively the age of twenty-one years.

§ 5. This act shall take effect on the first Monday in July in the year eighteen hundred and ninety-five. [*Approved May 29, 1895.*]

ciety (agent attends the courts) will take charge of children who are truant, insubordinate, *wayward*, dishonest, in danger of arrest, *or under criminal prosecution*, parents or guardians giving up control for a limited period, usually until eighteen. If under fourteen, boys are usually sent to one of the society's two training schools, (Pine Farm, West Newton, Mass., and Rock Lawn Farm, Foxborough, Mass.,) where they are kept anywhere from a few months to two years, or even longer, and are taught farming, indoor work, and common school branches. When fitted they are placed in good families, chiefly on farms, under friendly supervision which is continued even if they return thence to their own homes.

The Society of St. Vincent de Paul (Catholic) — agent attends the municipal court of Boston — places boys between the ages of five and fifteen years, in the House of the Angel Guardian, 85 Vernon Street, Roxbury. In special instances boys of fifteen are taken for a year. The term of detention is not limited; but when it is thought a boy will do well he is placed out in a home or returned to his parents. Reports are required from employers or parents, and upon bad reports boys may be brought back to the school.

c. In Boston boys under sixteen<sup>1</sup> may be sent to the House of Reformation for Juvenile Offenders till majority.<sup>2</sup>

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<sup>1</sup> Cf., P. S., c. 220, § 18-22.

<sup>2</sup> Time sentences are not illegal, but it is more usual to sentence for minority, and this gives greatly increased power for good when it is wisely used.



This institution, while on Deer Island, near the House of Industry, was open to serious objections, but it has recently been transferred to Rainsford Island, where there is no other public institution. The House of Reformation is still on the congregate plan, unfortunately, occupying as it does the old almshouse building, but it is intended to introduce new features in the way of physical and trade training, and to emphasize the principle of release on good conduct, with continued control and oversight after discharge.

9. COMMITTAL TO AN INSTITUTION OPEN ALSO TO ADULTS.

A. Older boys and young men may be sent to the Massachusetts Reformatory at Concord, which receives male persons convicted of offences punishable by imprisonment in the State Prison, or in a jail, house of correction, or house of industry,<sup>1</sup> who have not been previously sentenced more than three times for a penal offence<sup>2</sup> and who are not over forty years of age<sup>3</sup> (if sentenced for drunkenness, not over thirty-five.)<sup>4</sup> Though this institution has no minimum age limit, fifteen is practically made such by being the age above which boys cannot be received at the Lyman School. It does not, however

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<sup>1</sup> § 5.—“ Any male person convicted of an offence punishable by imprisonment in the state prison, or in a jail or house of correction, may be sentenced to said Massachusetts reformatory as herein provided.”

<sup>2</sup> § 2.—“ No person shall be sentenced to imprisonment in said reformatory who has been previously sentenced more than three times for a penal offence, whether to fine or imprisonment.”

<sup>3</sup> St. 1888, c. 49, § 1.—“ No person shall be sentenced to imprisonment in the Massachusetts reformatory who is above forty years of age.”

<sup>4</sup> St. 1892, c. 303.



seem desirable to send boys under eighteen years of age to the Reformatory unless in exceptional cases.<sup>1</sup> The average age of those in the Reformatory at present is about twenty-one years.

The prisoners are kept hard at work in productive industries, trades schools, and lessons in common school branches; they pass through successive grades till they are released on probation for good conduct, or at the expiration of the maximum term of sentence. Those released on probation are kept under supervision, and may be returned to the institution at discretion at any time before the expiration of their maximum sentence.<sup>2</sup>

The men receive moral and religious training, are allowed intercourse only under supervision, and have separate cells at night. Sentences are as a rule indeterminate with a maximum limit of two or five years;<sup>3</sup> in a few cases this limit may be increased; men may, moreover, be transferred from other penal institu-

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<sup>1</sup> It is a question to be considered whether there is not needed another state institution. intermediate between the Lyman School and the Reformatory, for boys between fifteen and eighteen, or whether boys of this age could be provided for by the present state institutions by permitting transfers from the Reformatory to the Lyman School (subject to the consent of the trustees of the School) as well as *vice versa*.

<sup>2</sup> St. 1888, c. 49, § 4 makes sections 33 and 34 of St. of 1884, concerning release on probation and recommitment for violation of conditions under which permit was granted, applicable in the cases of all persons sentenced to the Massachusetts reformatory, as hereinafter provided.

<sup>3</sup> St. 1886, c. 323, § 1, 4, 5 (2 and 3 are repealed).

§ 1.—“When a convict is sentenced to the Massachusetts reformatory, the court or trial justice imposing the sentence shall not fix or limit the duration thereof, unless the term of said sentence shall be more than five years, but said convict shall merely be sentenced to the Massachusetts reformatory.”

tions to finish a definite sentence, or boys may be transferred from the Lyman School for minority.

Another state institution which receives men on sentence, especially for offences of drunkenness and vagrancy, is the State Farm at Bridgewater.

B. There are, beside, the *county jails* and *houses of correction*. In many of these the conditions are such that the reform of the prisoner is not likely. It is important to know the individual institution, and the individual offender in each case; but, in general, houses of correction and jails are not promising places for reforming young men and fitting them to become good citizens.

If of Boston, offenders may be committed for non-payment of fine<sup>1</sup> or on sentences of from one to twenty-four months for larceny, drunkenness and other offences, to the House of Industry at Deer Island. This is an institution on the congregate plan, designed for adults of the vicious class, where the overcrowding and opportunities for loafing and for intercourse with the most corrupting associates, are not calculated to lead to the reform of any prisoner.

From Boston and other parts of Suffolk county, boys and men may be sentenced to the County of Suffolk House of Correction, at South Boston, or to the County of Suffolk Jail in Boston ("Charles St. Jail.")

The House of Correction is an institution which has been much and justly criticised, and is only allowed to remain in its present

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<sup>1</sup> See p. 28.

condition for want of appropriations to make the much needed changes. Until such changes are made, a sentence there is likely to be anything but reformatory in its effects, however competent the superintendent. Some of the men sleep in the corridors, and owing to the overcrowded condition of the buildings, there are opportunities for intercourse. At present all the inmates are, however, kept at work during the week.

The County of Suffolk Jail is an institution primarily intended for witnesses and prisoners awaiting trial, and is not, of course, planned to meet the needs of minors.

## B. GIRLS.

## I. PROBATION AT HOME.

Girls who promise to do well under existing conditions at home, provided some stimulus and oversight be added, may be put on *probation*.

*a.* In charge of a probation officer. In Boston there is a woman probation agent who investigates all the cases of girls and women, and who generally is given charge of all girls put on probation from the municipal court.<sup>1</sup> Generally speaking however girls must be on probation under the charge of a male officer.

*b.* In charge of the state board of lunacy and charity, through one of the state agents.<sup>2</sup>

*c.* Private individuals are in some courts entrusted with the oversight of girls on probation, and it seems as though the zeal, good sense, and strong influence for good of public-spirited citizens might be oftener enlisted in this way on behalf of such girls. An excellent plan is to induce school teachers to co-operate. See note 1, p. 18.

*d.* The following societies sometimes take charge of girls on probation at home. See 9, p. 15.

The Boston Children's Aid Society (Rooms 41 and 43 Chardon Street Building).

St. Vincent de Paul Society (Room 36 Chardon Street Building).

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<sup>1</sup> St. 1891, c. 356, §§ 3, 9. (Cited, note 1, p. 17.)

<sup>2</sup> P. S., c. 79, § 2 ; St. 1883, c. 110. (Cited, note 2, p. 17.)



## 2. PROBATION AWAY FROM HOME.

Girls who need to be removed from existing surroundings are also often best dealt with by means of *probation in new surroundings*, either with suitable relatives under supervision (as in probation at home, for which see above), or in a family, or in a school or institution.

The Boston Children's Aid Society (Rooms 41 and 43 Chardon Street Building), sometimes receives wayward girls, whom it places in families and visits and befriends. The rule, subject to some exceptions, is that a girl must be under fourteen years of age and that she shall remain in the care of the Society until she is sixteen or eighteen years old, as the agreement may be.

Such girls are received by the St. Vincent de Paul Society, in its House of the Good Shepherd, (for which see p. 46).

By the Massachusetts Home for Intemperate Women, (for which see p. 47).

By the Boston North End Mission, (for which see p. 47).

By the Temporary Asylum for Discharged Female Prisoners, at Dedham, (for which see p. 46).

## 3. APPOINTMENT OF A GUARDIAN.

The appointment of a guardian, in case a suitable person will accept the position, satisfactorily meets the needs of certain cases where what is chiefly needed is responsible oversight. For particulars as to guardianship which are the same for girls and boys see pp. 19-22.

4. TREATMENT AS AN ABUSED, NEGLECTED OR INDIGENT CHILD.

A girl may sometimes be more wisely treated as an *abused, neglected or indigent child*, than as a juvenile offender.

*a.* Children under fourteen, who are shown after due process to be *without a guardian*, and *neglected, abused or abandoned*, may be put under the guardianship of the Massachusetts Society for the Prevention of Cruelty to Children (Room 3, No. 15 Pemberton Square), or, in Hampden County, of the Hampden County Children's Aid Association.<sup>1</sup>

*b.* A court or magistrate may commit any child under fourteen, growing up in circumstances of *neglect and moral exposure*, or *dependent on public charity*, to the custody of the state board of lunacy and charity, if she has no known settlement in the state, if she has a known settlement to the overseers of the poor (or in Boston to the Commissioner of Public Institutions) till majority, or for any less time. The board thus given the charge is authorized to place the child in some state, municipal or town institution, or in a family, and also to discharge her at its discretion. If the place of legal settlement has not the control of any institution in which such children may be lawfully maintained, the child may be committed to the custody of the state board of lunacy and charity instead of to such overseers.<sup>2</sup>

Certain contingent provisions in regard to girls under sixteen growing up in circum-

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<sup>1</sup> P. S., c. 48, § 22, cited p. 22, note 3, and § 26.

<sup>2</sup> St. 1882, c. 181, § 3, as amended by St. 1886, c. 330, and St. 1888, c. 248; cited p. 23, note 1.

stances of neglect and exposure are to be found in the law of 1894, (c. 498, § 28), but these are rarely, if ever, applicable as towns have not generally complied with the conditions of the law.<sup>1</sup>

5. COMMITTAL TO THE CUSTODY OF THE STATE BOARD OF LUNACY AND CHARITY.

Juvenile offenders and neglected children<sup>2</sup> may be committed to the custody of the state board of lunacy and charity. Such committal is usually for minority and confers complete power on the board, to place out or indenture, to give up for adoption, to place in the State Industrial School for girls, or otherwise transfer, or to discharge at discretion. Hitherto juvenile offenders committed to its custody have usually been placed for a time in the State Primary School, and then placed out, board being paid up to the age of ten. Now that the State Primary School has been abolished (see p. 31, note 1), all will probably be placed out except such as it is thought best to send to the State Industrial School. Each of those over ten has as a visitor one of the "auxiliary visitors," ladies acting without pay, under the direction of the state board. Younger girls are visited by salaried women visitors.

6. TREATMENT AS TRUANTS.

The laws as to school attendance and truancy are the same for boys and girls.

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<sup>1</sup> See p. 24, note 1.

<sup>2</sup> P. S., c. 89, § 22, cited p. 24, note 2; St. 1882, c. 181, § 3, as amended by St. 1886, c. 330, and St. 1888, c. 248, cited p. 23, note 1; P. S., c. 89, § 50, cited p. 25, note 2, and § 56, cited p. 25, note 3; P. S., c. 148.



These together with suggestions as to treatment are given on pp. 26-28.

Some of the county truant schools are for both sexes, a clearly undesirable arrangement.

In many places girls are never brought before the courts on a charge of truancy. In some places this may be because there are no girl truants, but in others girls are not brought in on this charge by the truant officers only because there is no proper provision for them.

#### 7. IMPOSITION OF A FINE.

In imposing fines it is important to consider whether the expense will actually be borne by the person who ought to bear it.

The fine may be made to fall on the girl, in cases where she can and ought to bear it, by continuing a case to a definite time with an intimation that a fine will then be imposed. During the interval the girl may earn and save for it under the oversight of her surety (parent, guardian, probation officer, agent of a charitable society, etc.)

In some cases the fact that a fine will fall on a parent is its very recommendation. An honest source for the fine, however, must always be in sight.

Great care must be taken lest, in case of non-payment, a girl or young woman stand committed to an unsuitable place.<sup>1</sup> Anything is better than exposing a young woman to the life in a house of corection, workhouse or jail, such as they too often are.

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<sup>1</sup> Of course under twelve a girl cannot be committed to jail, etc. See p. 6.



## 8. COMMITTAL TO THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*a.* Girls under seventeen, from any part of the state, may be committed until majority to the State Industrial School for Girls, at Lancaster. Though legally admissible at seven, few girls under twelve are sent to the school.<sup>1</sup>

This is a state institution, on the cottage plan, and is admirably conducted by the Trustees of the Lyman and Industrial Schools. There are five cottages with about twenty-five inmates each. The girls are placed at entrance according to character, so far as possible, but are retained in the same cottage during their stay, which is commonly from twelve to eighteen months. They are meanwhile carefully and practically instructed in housework and sewing, beside the common

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<sup>1</sup> P. S., c. 89, § 22. — "The court or magistrate, before whom such boy or girl is brought on any complaint aforesaid, upon request of the state board, may authorize said board to take and indenture, or place in charge of any person, or in the state primary school, or, if he or she prove unmanageable, to commit to the reform or industrial school, such boy or girl, till he or she attains the age of twenty-one years, or for any less time. And said board may provide for the maintenance of any such boy or girl so indentured or placed in charge of a person, the whole or in part, at a cost to the state not exceeding the average cost of the support of children at the state primary school."

The state primary school is now abolished. See p. 31, note 1.

§ 23. — "At the time mentioned in the summons, such court or magistrate shall proceed to examine the boy or girl, and any party appearing in answer to the summons, and to take such testimony in relation to the case as may be produced," etc.

§ 25. — "When a girl is brought before such court or magistrate upon complaint that she is leading an idle, vagrant or vicious life, or has been found in any street, highway, or public place, in circumstances of want and suffering, or of neglect, exposure, abandonment, or beggary, the like proceedings shall be had as are provided in sections 20 to 23 inclusive, and she may be committed to the industrial school as therein provided."

school branches. On leaving the school they are placed at work in a family, where they are visited, and from which they can be recalled at discretion. The trustees have full control, including the right to control savings, up to majority.

Girls committed to the State Industrial School may be discharged for any reason, or may be transferred to the Reformatory Prison for Women, or to the State Farm at Bridgewater.

9. COMMITTAL TO AN INSTITUTION OPEN ALSO TO ADULTS.

*a.* Girls over seventeen<sup>1</sup> may be sent from any part of the state to the Reformatory Prison for Women at Sherborn, on conviction of any offence punishable by imprisonment.<sup>2</sup>

Sentences are for not less than twelve months<sup>2</sup> but prisoners may be placed out

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§ 29.—“When a girl is convicted by a judge of the probate court of any offence not punishable by a capital or infamous punishment, unless disposed of as provided in section twenty-two, she may be sentenced and committed to the industrial school, in like manner, and subject to the same provisions of law as now apply to girls committed to said school, or, in the discretion of the judge, to such other punishment as is provided for the offence.”

§ 35.—“All boys and girls committed to the reform school or the industrial school shall be there kept, disciplined, instructed, employed, and governed, under the direction of the trustees, until they arrive at the age of twenty-one years, or are bound out, or otherwise legally transferred or discharged,” etc.

<sup>1</sup> No minimum age limit is fixed by law, but it is practically fixed, by the maximum age of committal to the State Industrial School at Lancaster, at seventeen. Girls under seventeen should not be sent to Sherborn, unless for special reasons.

<sup>2</sup> P. S., c. 215, § 14.—“Any female convicted of an offence punishable by imprisonment in a jail, house of correction, or house of industry, may be sentenced therefor to the reformatory prison for women; but no sentence to said reformatory

on probation or indentured at domestic service, by the Commissioners of Prisons, before the sentence has expired. Prisoners are taught laundry, dairy and farm work, silk raising, sewing, etc., beside having school advantages. The system is reformatory, including a progressive advance in grade and probationary release earned by good conduct.<sup>1</sup> The officers are all women.

*b.* Girls and women are received by various private institutions.<sup>2</sup>

In Boston and elsewhere there are a number of homes, missions, etc., and to know which one is best fitted to a particular case is not always easy. The Directory of Charities, (published by the Associated Charities of Boston, Room 30 Charity Building, Chardon St.), is very useful, however. Some of the most important of those in Boston and vicinity are the following.

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prison shall be for a term less than one year, except as provided in section eighteen of chapter one hundred and fifty-four." This exception is abolished by St. 1895, c. 218, § 1: "A convict shall not be sentenced to imprisonment in the reformatory prison for women for a less time than one year, except as provided in chapter two hundred and sixty of the acts of the year eighteen hundred and ninety-four." (That is, except in cases of women placed out in a situation from the prison who leave the situation or refuse or neglect to return to prison on being ordered to do so.)

<sup>1</sup> P. S., c. 221, § 52.—"When it appears to the commissioners of prisons that any person imprisoned in the reformatory prison for women has reformed, they may issue to her a permit to be at liberty during the remainder of her term of sentence, upon such conditions as they deem best; and they may revoke said permit at any time previous to its expiration. But no permit shall be issued to a person sentenced for an offence against person or property, without the consent of the court which imposed the sentence, or in case the sentence was imposed by the superior court, the consent of the district-attorney of the county or district where said person was convicted."

<sup>2</sup> See 9, p. 15.



The Society of St. Vincent de Paul (Catholic) has an agent to attend the courts, and receive probation cases and others.<sup>1</sup> Girls from eight years old upwards, are placed in the House of the Good Shepherd (1752 Tremont Street, Roxbury), which contains a reformatory for fallen women and wayward girls, and a protectory for girls from five to sixteen or over, who are exposed to danger. Employment, and instruction in religion, morals, reading, writing; etc., are given. There are 200 beds. There is no term of detention, but girls are sent home or placed out in families when it is considered safe to let them go. Upon unsatisfactory reports from parents or employers they may be returned to the Home. Supervision of girls after leaving the Home is by means of these reports only.

The Penitent Female's Refuge<sup>1</sup> (32 Rutland Street) receives into a comfortable, well ordered home, expecting them to remain two years, fallen women and wayward girls who desire to reform, or are placed here by relatives or guardians. There is no power of detention, except by the will of parent or guardian. The age at which girls may be received is between twelve and thirty, but there are usually none over twenty-one. Girls are received from outside Boston as well as from the city. Common school branches, sewing and domestic work are taught. The institution relies on sympathy, occupation and religious influence for reform. Some girls on leaving are placed at service in good homes.

Temporary Asylum for Discharged Female Prisoners<sup>1</sup> (Washington Street, Dedham,

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<sup>1</sup> See Directory of Charities, pp. 97-100.

Mass.) employs an agent to visit the courts, and receive women placed on probation. Former inmates can return. Friendless, homeless women, white or colored, who have been in prison or under arrest, are instructed in domestic service and needlework; and situations are found for them in families in the country. The asylum receives children (if under five years old) of discharged female prisoners.

The Massachusetts Home for Intemperate Women<sup>1</sup> ("Mrs. Charpiot's Home"), corner of Binney and Smyrna Streets, Roxbury, endeavors to cure by medical and moral treatment, intemperate women who wish to reform, and those using opium. They are received *voluntarily* or taken on *probation from the courts*, twelve weeks being the shortest stay, and a longer time being recommended. The women are taught to do laundry work and sewing; places are secured, and some supervision is continued after discharge.

The Boston North End Mission<sup>2</sup> (201 North Street, telephone 1236 Haymarket) receives intemperate or fallen women, who desire to reform, for six months (more or less, at the officers' discretion). Those under thirty-five are preferred. A missionary attends the courts and receives women placed on probation. Women are also received at all hours on their own application. There is a department for maternity cases. The women are taught sewing and laundry work; and when leaving, are sent to friends or placed in situations.

There are also a number of Rescue Homes,

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<sup>1</sup> See Directory of Charities, p. 102.

<sup>2</sup> See Directory of Charities, p. 99.

Missions, etc., such as the House of Mercy on Carver Street, the Meonah Home on Staniford Street, both in Boston, and the Portland Street Mission in East Watertown.<sup>1</sup>

c. From Boston and other parts of Suffolk county, women may be sentenced to the County of Suffolk House of Correction at South Boston, or to the County of Suffolk Jail on Charles Street.

The House of Correction has already been referred to. (See p. 36). No woman especially no young woman, whom it is hoped to reform, should be sent there if it is possible to avoid it.

The jail is primarily intended for witnesses and prisoners awaiting trial, and is not, of course, planned to meet the needs of minors.

In other counties, women may be sent to the county jails and houses of correction, but it is most important to know in each instance both the character of the woman or girl and of the institution. It is probably safe to say that practically all our jails and houses of correction are not only very inferior to the Reformatory Prison for Women, but are not likely to conduce to a reform.

In Boston, women whom it seems useless to send to Sherborn, or whom a judge is not willing to sentence for so long a time as there required (cf. p. 36), may be sent to the House of Industry at Deer Island. This is a prison of the old fashioned type, containing both men and women, and not calculated to make a girl or young woman more likely to lead an honest life on her release.

Women are also sent to the State Farm at Bridgewater.

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<sup>1</sup> See Directory of Charities, pp. 98, 100.





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